

**Memorandum**

Date . AUG 1 1995

From June Gibbs Brown  
Inspector General *June G Brown*

Subject Improvements Needed in Monitoring Child Placing Agencies  
in the Texas Foster Care Program (A-06-94-00041)

To Mary Jo Bane  
Assistant Secretary for  
Children and Families

This is to alert you to the issuance on August 3, 1995 of our final report. A copy is attached. For designated "levels of care", the Texas Department of Protective and Regulatory Services (TDPRS) contracts with child placing agencies to place children in foster homes recruited by these agencies. The objective of this review was to determine whether TDPRS properly monitored its use of child placing agencies to ensure that the children are receiving quality care.

As required, TDPRS has ultimate responsibility for placement and care of the foster children. However, our review disclosed that the TDPRS does not have an overall system of controls to ensure that child placing agencies and their foster homes are meeting required standards and that State caseworkers are monitoring the status of the children while they were in the care of these homes. As a result, TDPRS has no assurance that the quality of care being given to foster children placed by child placing agencies was adequate.

Our audit focused on the care provided to children placed in foster homes through child placing agencies for which maintenance payments were made during the period September 1, 1993 to January 31, 1994. During this 5-month period, 353 foster homes under the direction of child placing agencies received more than \$3.9 million (Federal share \$2.5 million).

We randomly selected 100 homes for potential review from the 353 foster homes, which were under the supervision of 35 child placing agencies. We actually reviewed 48 of the 100 homes, which represented 8 child placing agencies from around the State. After reviewing 48 homes, we had

sufficient evidence to support our findings that there were systemic problems in the Texas Foster Care program and discontinued our testing. We discussed our findings with State officials who agreed with our conclusion.

We also reviewed the child placing agencies' case file for each of the 48 homes and the files for all of the 78 title IV-E foster children placed in these homes.

Based on our review, we noted a number of instances in which the State's minimum standards of care were not met. Some of the more significant issues were, in:

- 71 of the 78 cases, State caseworkers did not have the required contact with the foster children;
- 18 of the 48 foster home files reviewed, the child placing agency caseworkers did not contact the children in placement quarterly and did not visit the foster homes quarterly;
- 28 of the 48 foster home files reviewed, there was no record showing that a background check was performed on all adults who lived in the foster home; and
- 40 of the 48 homes, based on file reviews, interviews and site visits, at least one fire and/or health deficiency was noted.

We recommended that TDPRS take action to ensure the adequacy of performance by the child placing agencies, the foster homes, and State caseworkers. In responding to our draft report, TDPRS concurred in all our findings and recommendations, but on a limited basis for the recommendation to use the National Crime Information Center (NCIC) system to conduct nationwide background checks. The TDPRS will use the NCIC system except for background checks on foster parents living in Texas when there is no reason to believe they may have a criminal record. The possibility still exists that by limiting the use of the NCIC, a foster parent could have a criminal background.

If you have any questions, please call me or have your staff contact John A. Ferris, Assistant Inspector General for Administrations of Children, Family, and Aging Audits, at (202) 619-1175.

Attachment

**Department of Health and Human Services**

**OFFICE OF  
INSPECTOR GENERAL**

**IMPROVEMENTS NEEDED IN  
MONITORING CHILD PLACING  
AGENCIES IN THE TEXAS FOSTER CARE  
PROGRAM**



**JUNE GIBBS BROWN**  
**Inspector General**

**AUGUST 1995**  
**A-06-94-00041**



Our Reference: CIN: A-06-94-00041

Mart Hoffman, MSSW, MBA  
Interim Executive Director  
Texas Department of Protective and Regulatory Services  
701 W. 51st Street  
Mail Code W-639  
Austin, Texas 78714-9030

Dear Mr. Hoffman:

Enclosed are two copies of our final report entitled, "Improvements Needed in Monitoring Child Placing Agencies in the Texas Foster Care Program." Texas State officials, private child placing agencies and their foster homes were not always meeting the required State "Minimum Standards for Child Placing Agencies". The Texas Department of Protective and Regulatory Services (TDPRS) established "Minimum Standards for Child Placing Agencies" but has not consistently followed up to ensure that the standards for health and safety and the quality of services provided to foster children placed through child placing agencies were met.

We recommended that TDPRS take action to ensure the adequacy of performance by the child placing agencies, the foster homes and State caseworkers. In responding to our draft report, TDPRS concurred in all our findings and recommendations but on a limited basis for the recommendation to use the National Crime Information Center (NCIC) system to conduct nationwide background checks. The TDPRS will use the NCIC system except for background checks on foster parents living in Texas when there is no reason to believe they may have a criminal record. The possibility still exists that by limiting the use of the NCIC a foster parent could have a criminal background.

Copies of this report are being sent to other interested Department officials. If you have any questions, we can be reached at (214) 767-8415.

Page 2 - Mr. Mart Hoffman

To facilitate identification, please refer to the referenced common identification number in all correspondence relating to this review.

Sincerely yours,

A handwritten signature in black ink that reads "Donald L. Dille". The signature is written in a cursive style with a large, prominent "D" at the beginning.

Donald L. Dille  
Regional Inspector General  
for Audit Services

Enclosure



Our Reference: CIN: A-06-94-00041

Mart Hoffman, MSSW, MBA  
Interim Executive Director  
Texas Department of Protective and Regulatory Services  
701 W. 51st Street  
Mail Code W-639  
Austin, Texas 78714-9030

Dear Mr. Hoffman:

Texas State officials, private child placing agencies and their foster homes were not always meeting the required State "Minimum Standards for Child Placing Agencies". The Texas Department of Protective and Regulatory Services (TDPRS) established "Minimum Standards for Child Placing Agencies", but has not consistently followed up to ensure that the standards for health and safety and the quality of services provided to foster children placed through child placing agencies were met.

This final report contains the results of our audit in Texas of the care provided to children placed in foster homes through child placing agencies for which maintenance payments were made for services during the period September 1, 1993 to January 31, 1994. During this 5-month period, 353 foster homes under the direction of child placing agencies received a total of \$3,950,879 (Federal share \$2,535,674). Annually, child placing agencies are estimated to receive approximately \$9.5 million in Texas. The TDPRS contracts with child placing agencies to place children in foster homes recruited by these agencies. The objective of this review was to determine whether TDPRS is properly monitoring its use of child placing agencies for foster care placements to ensure that the children are receiving quality care.

Based on reviews of randomly selected foster care homes, we noted a significant number of instances in which the State's minimum standards of care were not met and other instances where the case files did not include necessary documentation of compliance with the standards.

- ▶ Treatment plans were not followed.
- ▶ State and child placing agency caseworkers did not have frequent contact with the children or the foster homes.
- ▶ Fire and health inspections were not always performed.

- ▶ Potentially harmful conditions were observed in the foster homes and neighborhoods.
- ▶ Background checks were incomplete or not made.
- ▶ Training was not provided to all foster parents.

The State agency has ultimate responsibility for placement and care of the foster child as defined in Policy Interpretation 82-07 issued by the Administration for Children and Families (ACF). However, TDPRS was not monitoring to ensure that child placing agencies and their foster homes were meeting required standards and that State caseworkers were monitoring the status of the children while they were in the care of these homes.

We are recommending that TDPRS take action to ensure the adequacy of performance by the child placing agencies, the foster homes and State caseworkers.

The TDPRS concurred in all our findings and recommendations but on a limited basis for the recommendation to use the National Crime Information Center (NCIC) system to conduct nationwide background checks. The TDPRS will use the NCIC system except for background checks on foster parents living in Texas when there is no reason to believe they may have a criminal record. The possibility still exists that by limiting the use of the NCIC a foster parent could have a criminal background. The TDPRS response to our draft report is contained as an appendix to this report.

## **BACKGROUND**

The Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, was enacted on June 17, 1980. This legislation established a new program, the title IV-E Program entitled Federal Payments for Foster Care and Adoption Assistance. The foster care component of the Aid to Families with Dependent Children (AFDC) program, which had been an integral part of the AFDC program under title IV-A of the Social Security Act, was replaced by title IV-E effective October 1, 1982.

The title IV-E Foster Care program is administered by the Department of Health and Human Services, ACF. The Texas Foster Care program is a State supervised, State administered program. The TDPRS is the State agency that is responsible for administering the Foster Care program in Texas.

The TDPRS' mission is to protect the physical safety and emotional well-being of the children of Texas. To help achieve this mission, the TDPRS contracts with child placing agencies to provide foster care services.

A Texas State Auditor's report issued in September 1994 entitled, "A Review of Management Controls at the Texas Department of Protective and Regulatory Services", stated that "CPS<sup>1</sup> does not have established policies and procedures for contract administration of agreements with foster care providers. Although the agreements contain elements of a contract--an offer, an acceptance, and consideration--the program does not manage them through a formalized process. Without a defined process to properly administer the State and federal funds provided for foster care, the program cannot ensure that the money is being spent as intended." The State Auditor recommended that CPS develop a contract administration process for foster care provider agreements. The agreements should include "performance-based measures, outputs, outcomes, and terms for sanctions and termination."

The foster homes recruited by the licensed child placing agencies must comply with minimum standards set by the TDPRS. The TDPRS formally established the standards in a publication titled, "Minimum Standards for Child Placing Agencies" to protect the health, safety, and well-being of the foster children and to regulate the facilities through a licensing program. Through TDPRS' CPS, the caseworkers intervene to protect the children when they are abused or neglected. The CPS tries to help the family become safe so the child may remain in the home or return to it. If placement becomes necessary, the caseworker is responsible for assessing the child's progress.

The Foster Care program in Texas uses a level-of-care structure to determine the types of services the foster children will need. These services range from a Level I, which provides a family-oriented setting that meets the basic needs of the child, to a Level VI, for children placed in a highly specialized residential setting that can serve children with severe emotional and behavior disorders in need of 24-hour supervision. Most of the foster children placed in child placing agency foster homes are Levels III and IV. The TDPRS defines these levels as:

- Level III - Frequent or repetitive minor problems in one or more areas; may engage in nonviolent anti-social acts, but is capable of meaningful interpersonal relationships. Requires supervision in structured supportive setting with counseling available from professional or para-professional staff.
  
- Level IV - Substantial problems; have physical, mental, or social needs and behaviors that may present a moderate risk of causing harm to themselves or others, poor or inappropriate social skills, frequent episodes of aggressive or other anti-social behavior with some preservation of meaningful social relationships. Require

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<sup>1</sup> Child Protective Services

treatment program in a structured supportive setting with therapeutic counseling available by professional staff.

### **OBJECTIVES, SCOPE, METHODOLOGY**

Our audit was performed in accordance with generally accepted government auditing standards. The objective of this review was to determine whether TDPRS is properly monitoring its use of child placing agencies for foster care placements to ensure that the children are receiving quality care.

We randomly selected 100 homes for potential review from a listing of 353 foster homes under the supervision of 35 child placing agencies for the period September 1, 1993 to January 31, 1994. These agencies had contracted with TDPRS to provide foster homes. We actually reviewed 48 of the 100 homes, which represented 8 child placing agencies, from around the State. After reviewing 48 homes, we had sufficient evidence to support our finding that there were systemic problems in the Texas Foster Care program and discontinued our testing. We discussed our findings with State officials who agreed with our conclusion.

We reviewed the child placing agencies' case file for each of the 48 homes and the files for all of the 78 title IV-E foster children placed in these homes. Site visits and face-to-face interviews were conducted with the foster parents for 43 homes. For one home, the foster parents were interviewed by telephone. The remaining four homes were either closed, under investigation or the family was on vacation. In addition, we reviewed the files maintained by the TDPRS licensing division for six of the child placing agencies. State caseworker files for 12 of the children in these homes were also reviewed.

We developed guides used to conduct the case file reviews, home observations, case plan reviews and interviews with foster parents. The Regional ACF program office and TDPRS program officials reviewed and commented on these guides. A State official accompanied us on our first visit to a child placing agency and on two of the home visits for this child placing agency.

To achieve our audit objective we:

- ▶ determined if the foster homes provided the prescribed services under the maintenance payment;
- ▶ determined if the foster homes met the prescribed health and safety standards;
- ▶ considered the ACF policy announcements and program policy interpretations addressing specific subject areas where policy questions had been raised;

- ▶ considered the State's own program regulations and policies used in administering the Foster Care program;
- ▶ considered the fire and safety codes adopted by the State and local authorities having jurisdiction where the foster home was located; and
- ▶ conducted interviews with TDPRS program officials, child placing agency officials and foster parents.

We conducted our field work at the State's administrative offices in Austin, Texas for the period March 15, 1994 through August 17, 1994. We also made site visits to Lockhart, Houston, Austin, El Paso, and Amarillo, Texas during the period May 2, 1994 through August 3, 1994 to gain an understanding of the environment in which the foster children were placed.

### **RESULTS OF REVIEW**

The TDPRS did not actively supervise the child placing agencies and did not actively monitor the care of the children in the foster homes. The TDPRS did not actively supervise the child placing agencies and did not actively monitor the care of the children in the foster homes. The TDPRS does not have an overall system and controls to ensure that child placing agencies and their foster homes are meeting required standards and that State case workers are monitoring the status of the children while they are in the care of these homes. In many cases, caseworkers did not follow treatment plans or visit children under their care, foster children were placed in potentially harmful situations, background checks were incomplete and many foster parents were not trained. As a result, the efficiency and effectiveness of delivering foster care services was limited, the health and safety of some children was at risk and some children did not always receive the required level-of-care treatment.

The TDPRS is ultimately responsible for proper operation of the Foster Care program and must actively supervise the various activities performed by the contractor or other agencies providing foster care services. Responsibilities include ensuring that there is an appropriate plan of care, case review and periodic review to determine that minimum standards of care and services are provided.

Indicators of areas where improvements are needed in the overall case management by TDPRS included:

- ▶ Treatment plans of the foster children were not followed by the child placing agency and family therapy was not provided to the foster children;

- ▶ State caseworkers did not follow TDPRS' policy on personal contacts and face-to-face visits with foster children and visits to foster homes under the supervision of child placing agencies.
- ▶ Fire and health inspections and home reevaluation studies had not been updated for at least 2 years. Medications and cleaning supplies were stored within reach of the children;
- ▶ Some homes and neighborhoods were unkempt, and some homes were located in "high crime" neighborhoods;
- ▶ For 28 of the 48 homes, there was no evidence that required background checks were performed on foster care providers. Additionally, the background checks were limited to records of crimes committed in Texas; and
- ▶ Some foster parents received minimal or no training.

### **FOSTER CHILDREN AND FAMILY TREATMENT**

In 34 of 78 cases, therapy was not provided as required by the foster child's service/treatment plan. The plans remained the same from quarter to quarter and there was no indication in the files of progress or lack of progress in the areas identified as treatable through therapy. The TDPRS did not make quarterly reviews of the treatment plans as required by the minimum standards.

In addition, officials of the child placing agencies expressed concern that family therapy was not being provided in a coordinated manner. The individuals providing therapy and counseling to the foster children were not providing any services to the biological families of the foster children. The TDPRS policy provides that its staff will work with the biological parents, while the child placing agency staff will work with the foster children. There is no coordination between these two organizations and their staffs.

### **MONITORING**

The TDPRS had no assurance that the State and child placing agency caseworkers were assessing the strengths and needs of the foster families and children to determine the continued appropriateness of the placement.

*State Caseworkers* - The State caseworker's did not make monthly face-to-face contact with the foster children or the quarterly contact to the foster home as required by the minimum standards. In one instance, the contract between the child placing agency and the State

specifically forbid the State caseworker from contacting any children in the child placing agency's care without prior consent.

Some foster parents told us that they have never seen a State caseworker, while other foster parents indicated that visits were infrequent. Some parents said that the State caseworker visited the child at a site other than the home, such as at school or the child placing agency's office, but never came to the home. There was no indication in the files to explain why this contact was not established. Based on reviews of 78 case files and interviews with available foster parents, the following was noted:

- ▶ 34 children never received a visit from the State caseworker since placement, which ranged from 1 month to 4 years;
- ▶ 7 children received, what was characterized by the foster parents as, infrequent visits from the State caseworker;
- ▶ 1 child received a visit twice a year from the State caseworker;
- ▶ 17 children received quarterly visits from the State caseworker;
- ▶ 11 children received at least monthly visits from the State caseworker;
- ▶ 1 child was visited at school by the State caseworker, but the foster parent did not know how often; and
- ▶ for the remaining 7 children, we did not determine the frequency of visits because the foster homes were either closed, under investigation or the foster parents were on vacation.

***Child Placing Agency Caseworkers*** - For 18 of 48 foster home files reviewed, the child placing agency caseworkers did not contact the children in placement quarterly and did not visit the foster homes quarterly. The TDPRS policy states that quarterly contacts will be made with all children in placement and with all homes in which children are placed. The policy also states that all contacts with each child and home will be documented in the child's and home's files.

In one instance, there was no indication in the file that the child received a visit from the child placing agency caseworker since his placement, a period of over 2 years. In another case, the foster home was not visited by a child placing agency caseworker in over a year.

### **FIRE AND HEALTH INSPECTIONS**

The TDPRS did not conduct reviews to ensure fire and health inspections were conducted by the child placing agencies, which were responsible for inspections of their foster homes. As a result, the fire and health inspections as required by the minimum standards were not always performed every 2 years.

Based on our file review, interviews and site visits 40 of 48 homes had at least 1 of the following deficiencies:

- ▶ 7 homes were missing a current fire inspection;
- ▶ 9 homes were missing a current health inspection;
- ▶ 7 homes were missing smoke detectors;
- ▶ 4 homes did not have smoke detectors located near the sleeping areas;
- ▶ 36 homes stored unlocked medication and cleaning supplies within reach of Level III, Level IV and young children; and
- ▶ 5 homes did not receive a reevaluation study every 2 years as required by the State minimum standards.

### **CONDITIONS OF FOSTER HOMES AND NEIGHBORHOODS**

For 19 of the 43 foster homes visited, the home and/or neighborhood environment appeared to put the safety of the foster children at risk. Neighborhood homes were boarded-up and the yards were overgrown with tall grass and cluttered with debris. Some of the foster home yards were cluttered with old tractors, lawn mowers, and cars. The foster homes were also cluttered with wastepaper, clothes, and debris.

Foster children were living in three homes identified by the child placing agency as being located in high crime areas and drug environments. During our visit to one of these homes, the foster parent explained there had been a shooting behind her house the night before. For another home, the case file showed that the neighbors to the foster home were drug dealers and the foster child associated with them. No action was taken to move the children from these surroundings to a safer environment.

## BACKGROUND CHECKS

***Background Checks not Documented or not Made*** - For 28 of the 48 home files reviewed, there was no record showing that a background check was performed on all adult individuals who lived in the foster home. The background checks were not made on either foster parents, adult children or previous names of the foster mother. For the remaining 20 homes, there was evidence that background checks were made but the actual performance and adequacy of the background checks could not be assured.

The licensing division requires criminal background checks covering 10 years on family members and employees in foster homes where a TDPRS foster child will be placed. To comply with that requirement, the child placing agency provides the licensing division of TDPRS with the names of foster care providers for background checks. The licensing division forwards this form to the Texas Department of Public Safety which checks its system for any criminal activities in the State of Texas only. If the child placing agency does not provide the foster care provider's name there is no background check performed, and when the background check was made it did not include review for records of crimes committed in other States. Many of the foster parents could have lived in other States during the past 10 years.

In one home, there was no background check on the foster parent's daughter, who lived in the home and helped take care of the foster children. A child placing agency official stated that the child placing agency was not aware that this individual resided in the home. However, information in the agency's case file showed that this individual was in the foster home.

Also, there is no uniformity in the transmission of information and results of background checks between the agencies and the licensing division. For one child placing agency, there was no documentation that background checks were performed on any individual in the foster home. An official at the child placing agency stated that background checks were made but the licensing division informed the child placing agency that documentation was not needed. This official said the licensing division called the child placing agency and informed it if the foster parents cleared a background check. We were also told that based on confidentiality, the results of the background checks could not be put in the files. We believe that some record is needed to document that background checks are performed and the results of the checks.

***Placement Made Before Background Checks Completed*** - Additionally, the licensing division instructed the child placing agencies to place children in homes before the background checks were completed. According to officials at the child placing agencies, a background check can take as long as 6 months.

One of the child placing agencies reviewed did not use TDPRS to conduct background checks. This child placing agency submitted background checks through the Texas Youth Commission

(TYC). On June 13, 1994, the licensing division noted for one of this agency's homes that a background check submitted to TYC had not disclosed that the foster father had previously been charged with sexual assault. Subsequently, the home was removed from the Foster Care program.

**National System** - The Department of Justice operates the NCIC, a national crime information network system which has information for performing a national background check for crimes committed. The National Child Protection Act of 1993 permits States to require nationwide background checks and to use the NCIC system.

A responsible licensing division official stated that nationwide background checks for State foster homes are made if the provider has resided in the State for less than 3 years. According to this official this requirement does not pertain to child placing agencies.

Without complete background checks, children could be placed in potentially harmful situations and be subject to abuse.

## TRAINING

Not all foster parents received training. The TDPRS policy on training is that the child placing agency must ensure that foster parents or adult care givers receive at least 50 hours of in-service training annually. The TDPRS interpreted this policy to mean that the foster family as a unit, rather than each individual foster parent or adult care giver, must receive at least 50 hours of training annually. Under the TDPRS policy, it is possible that some care givers in the foster home would receive minimal or no training.

**Training Received** - One of the foster parents in the family received the majority of the training in 22 of the 48 cases reviewed. The other foster parent received minimal training and in some cases no training at all. Foster children were at times left in the care of the foster parent with little or no training.

Additionally, 14 of the 48 foster care providers, some of which are included in the 22 cases, did not receive the required CPR and First Aid training. In two instances, the primary care giver did not receive the training while the other parent did receive the training. In seven instances, the secondary care giver did not receive the required training. In the remaining five instances, neither foster parent received the required training.

**Training Needed** - There are no guidelines as to the type of training that the child placing agencies need to provide to their foster parents. However, the TDPRS utilizes a structured training package entitled, "Model Approach to Partnerships in Parenting" (MAPP) in training its foster parents. The MAPP program provides prospective foster parents an understanding of their roles in the foster care program. The training includes such topics as helping children

learn to manage their behaviors, helping children with personal attachments, helping children with birth family connections and understanding the impact of being a foster parent. A structured system of this nature could be beneficial to the child placing agency in meeting their responsibilities for ensuring that their foster parents receive quality training.

The files discussed instances of interaction between the foster parents and foster children that indicated poor parenting skills. A training program, such as MAPP, would have provided both foster parents with the skills needed to properly handle foster children placed with them. Nine instances in the 48 home files reviewed showed that the children did not receive the appropriate level of supervision. Eight of these instances involved a child classified at Level IV. A Level IV child is defined as having significant behavioral problems and requiring constant supervision. These instances included:

- ▶ A Level IV, 7-year old child who was sent into a store unsupervised while the foster parent waited in the car.
- ▶ Foster parents who developed a pattern of leaving an 8-year old, Level IV child unsupervised in the home and family vehicles. On one occasion, the foster mother left the foster child in his room sleeping and went to a friend's house. On a different occasion, the foster mother drove off in the family van thinking that the foster child was in the van, but the foster child was actually in his room sleeping. On a third occasion, these foster parents left the foster child in their car by himself while they went shopping. On another occasion, these same foster parents left a sick foster child in their car while they attended church.
- ▶ A foster mother on several occasions forgot to administer medications to a Level IV foster child. These medications included Imipramine and Ritalin, which are prescription drugs used to treat the child's behavioral conditions.

For at least one child placing agency, the licensing division expressed concern that the foster parents did not have the proper training to deal with the children. The licensing representative found examples where sexually abused children were placed in foster homes that had no previous foster parenting experience.

### **RECOMMENDATIONS**

To ensure the health, safety, and quality of service, and to improve the overall case management of the foster children in the care of the child placing agencies, we are recommending that TDPRS review its monitoring procedures and controls to ensure the adequacy of performance by the child placing agencies, the foster homes and State case workers. This includes:

- ▶ Ensure that the child placing agency foster homes meet the State's "Minimum Standards for Child Placing Agencies" in all areas.
- ▶ Ensure that the foster children are receiving the required treatment in accordance with their treatment plan and that progress on the treatment plan is adequately documented.
- ▶ Ensure coordination of therapy between biological parents and foster children.
- ▶ Ensure that State caseworkers follow TDPRS' policy on personal contacts and face-to-face visits with foster children and visits to foster homes under the supervision of child placing agencies.
- ▶ Ensure that contracts between the child placing agencies and the State do not prohibit State case workers from visiting the foster children.
- ▶ Ensure that the fire and health inspections for the foster homes are current.
- ▶ Ensure that background checks are performed and documented on all foster parents and adult occupants.
- ▶ Use the NCIC system to conduct nationwide background checks.
- ▶ Ensure that caregivers in the family unit receive appropriate training to care for the foster children.

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#### TDPRS Response and OIG Comments

The TDPRS concurred in all our findings and recommendations but on a limited basis for the recommendation to use the NCIC system to conduct nationwide background checks. The TDPRS response stated that licensing conducts FBI checks that access the NCIC system on all staff and foster parents who live outside Texas and work in Texas licensed child care and on any Texas staff and foster parents when there is reason to believe they may have a criminal record. However, licensing does not conduct FBI checks that access the NCIC system for individuals who live in Texas. Therefore, the possibility still exists that a foster parent could

have a criminal background. The complete text of TDPRS' response is contained as an appendix to this report.

Final determination as to actions taken on all matters reported will be made by the HHS action official named below. We request that you respond to the HHS action official within 30 days from the date of this letter. Your response should present any comments or additional information that you believe may have a bearing on the final determination.

In accordance with the principles of the Freedom of Information Act (Public Law 90-23), HHS OIG Office of Audit Services reports issued to the Department's grantees and contractors are made available, if requested, to members of the press and general public to the extent information contained therein is not subject to exemptions in the Act, which the Department chooses to exercise. (See 45 CFR, Part 5.) To facilitate identification, please refer to the above common identification number in all correspondence.

Sincerely yours,

A handwritten signature in cursive script that reads "Donald L. Dille".

Donald L. Dille  
Regional Inspector General  
for Audit Services

**TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES**

**INTERIM EXECUTIVE DIRECTOR**  
Mart Hoffman, MSSW, MBA  
June 16, 1995

Donald L. Dille  
Regional Inspector General  
for Audit Services  
Office of Audit Services  
1100 Commerce, Room 4A5  
Dallas, TX 75242

**BOARD MEMBERS**

Susan Stahl  
*Chair, Dallas*

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*San Antonio*

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Bill Sheehan  
*Dumas*

Dear Mr. Dille:

Staff from Child Care Licensing and Protective Services for Families and Children have reviewed the draft audit of the care provided by child placing agencies with which the Texas Department of Protective and Regulatory Services (TDPRS) contracts. We have found the audit very helpful to the agency and have kept the Board informed regarding the progress of this audit. Below please find our response to your nine recommendations.

**RECOMMENDATION 1**

**ENSURE THAT THE CHILD PLACING AGENCY FOSTER HOMES MEET THE STATE'S "MINIMUM STANDARDS FOR CHILD PLACING AGENCIES" IN ALL AREAS.**

**PRS RESPONSE: CONCUR**

Licensing monitors licensed child placing agencies at least once a year, and most are inspected two or three times annually. If the agency is in noncompliance with the Minimum Standards, licensing staff use the agency's history of noncompliances and the number and seriousness of the current noncompliances to determine their response. Licensing's response can range from citing the noncompliance to revoking the license. If the licensing representative has a question about a particular agency foster home the representative makes an unannounced inspection to that home with an agency staff person.

As a result of these audit findings, Licensing will send a memo to all licensing representatives in the field emphasizing the need to ensure that all child placing agencies are meeting and documenting compliance with the Minimum Standards.

Donald L. Dille  
June 16, 1995  
Page 2

New residential contracts currently under development will provide Protective Services for Families and Children (PSFC) staff the ability to take immediate action to restrict new placements to a facility and/or immediately remove any or all children from a facility when such actions are appropriate.

#### **RECOMMENDATION 2**

**ENSURE THAT THE FOSTER CHILDREN ARE RECEIVING THE REQUIRED TREATMENT IN ACCORDANCE WITH THEIR TREATMENT PLAN AND THAT PROGRESS ON THE TREATMENT PLAN IS ADEQUATELY DOCUMENTED.**

PRS RESPONSE: CONCUR

Policy requires workers to review the child's service plan every 6 months, and in some cases every 3 months, to see that the child's needs are being met. Workers are permitted to use the facility's treatment plan, if appropriate, and add a cover sheet to produce their service plan review. Training received by staff in the Fall of 1994 on the 6000 Section of the CPS Handbook emphasized the importance of these requirements.

PSFC further monitors the progress of children in substitute care through the Permanency Planning Team (PPT) / Administrative Case Review (ACR) process, which is required statewide under the new substitute care policy that went into effect in September, 1994. Each child's situation is reviewed at least once every 6 months, including a review of the child's service plan, with a discussion about whether services have been provided and progress towards achieving service plan goals. The worker's, caretaker's, and other service providers' compliance or noncompliance with treatment plans is brought out in the staffing and is discussed by the convener.

Regarding children at Levels of Care (LOC) 3-6, TDPRS contracts with Youth for Tomorrow (YFT) to conduct utilization reviews every 6 months on the children at LOC 3-5 and every 3 months on the children at LOC 6 to review treatment plans and progress reports and determine the continued appropriateness of the placement.

Proposed contracts with child placing agencies include provisions for developing and reviewing service plans and a requirement that services be delivered according to the service plan. Since there will be standard terms in these contracts, all appropriate sanctions would apply should a contractor fail to comply with these terms. A decision will be made shortly as to who will monitor the service plan contract provisions.

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Finally, as a result of these audit findings, PSFC will send a PS Action Memo to the field emphasizing the need to monitor the treatment received by children in our conservatorship.

### RECOMMENDATION 3

#### **ENSURE COORDINATION OF THERAPY BETWEEN BIOLOGICAL PARENTS AND FOSTER CHILDREN.**

PRS RESPONSE: CONCUR

The IV-E funding used for foster care reimbursement rates does not provide for therapy for the biological parents. Moreover, many of the level 3 and level 4 child placing agency foster homes are not located close enough to the biological parents to allow for joint use of the therapy resources.

Nevertheless, regional staff will be encouraged to consider other funding sources for family therapy when the family is within a 25 mile radius of the child placing agency and the permanency plan is family reunification. Child placing agencies and therapists who are providing family therapy will be asked by staff to exchange therapy notes. Staff are currently exploring whether this expectation could best be monitored by contract provisions or policy requirements.

### RECOMMENDATION 4

#### **ENSURE THAT STATE CASE WORKERS FOLLOW TDPRS'S POLICY ON PERSONAL CONTACTS AND FACE-TO-FACE VISITS WITH FOSTER CHILDREN AND VISITS TO FOSTER HOMES UNDER THE SUPERVISION OF CHILD PLACING AGENCIES.**

PRS RESPONSE: CONCUR

The revised substitute care policy, which became effective September 1, 1994, mandates the worker to have monthly face-to-face contact with the child, and requires the worker to have at least quarterly face-to-face contact with the child at the caretaker's residence. We are in the process of developing a programmatic response to monitor compliance with this issue. All CPS staff were required to attend training in the fall of 1994 on these requirements and other requirements in the 6000 section of the CPS Handbook. In addition we will again emphasize this in a PS Action Memo to staff.

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**RECOMMENDATION 5**

**ENSURE CONTRACTS BETWEEN THE CHILD PLACING AGENCIES AND THE STATE DO NOT PROHIBIT STATE CASEWORKERS FROM VISITING THE FOSTER CHILDREN.**

PRS RESPONSE: CONCUR

Our current contracts do not prohibit state caseworkers from visiting the foster children. The proposed contract terms which we plan on implementing indicate that the Contractor shall permit Department employees access, at any time, to all children placed by the Department in the care of the Contractor. In addition I will ask the regional director to review any contract with the child placing agency and Harris county to ensure that there are no requirements that prohibit caseworkers from visiting foster children.

**RECOMMENDATION 6**

**ENSURE THAT THE FIRE AND HEALTH INSPECTIONS FOR THE FOSTER HOMES ARE CURRENT.**

PRS RESPONSE: CONCUR

Licensing monitors licensed child placing agencies at least once a year, and most are inspected two or three times annually. If the agency is in noncompliance with the Minimum Standards, licensing staff use the agency's history of noncompliances and the number and seriousness of the current noncompliances to determine their response. Compliance with the requirement for fire and health inspections is directly related to the health and safety of the children in care. In the event that these requirements are not met Licensing will require 100% compliance within a short time frame. Failure to correct the noncompliances and/or repeated noncompliances in this area will result in adverse action up to and including revocation of the agency's license.

As a result of these audit findings, Licensing will send a memo to all licensing representatives in the field emphasizing the need to ensure that all child placing agencies are meeting and documenting compliance with standards related to fire and health inspections.

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**RECOMMENDATION 7**

**ENSURE THAT BACKGROUND CHECKS ARE PERFORMED AND DOCUMENTED ON ALL FOSTER PARENTS AND ADULT OCCUPANTS.**

PRS RESPONSE: CONCUR

Licensing has taken steps to improve the criminal background check system to ensure that a background check is conducted on all foster parents and adult occupants in the home. Licensing has hired and trained an individual to enter the background check data and cross-trained other support staff to ensure that checks are conducted in a timely manner. The average time from submission to response is now 2 weeks.

Licensing staff will be instructed to ensure that each agency includes a female foster parent/employee's maiden name and other married names if applicable when providing information for the criminal background check.

Failure on the part of agencies to submit information for the criminal background check can have a negative impact on children in care. In instances where an agency has numerous and/or ongoing noncompliances in this area, Licensing will take adverse action up to and including revocation of the agency's license.

**RECOMMENDATION 8**

**USE THE NCIC SYSTEM TO CONDUCT NATIONWIDE BACKGROUND CHECKS**

PRS RESPONSE: CONCUR ON A LIMITED SCALE

Licensing conducts FBI checks that access the NCIC system on all staff and foster parents who live outside Texas and work in Texas licensed child care and on any Texas staff and foster parents when there is reason to believe they may have a criminal record. Background checks on all other foster parents and adult occupants in the home are conducted by the Department of Public Safety. (See Recommendation 7.)

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**RECOMMENDATION 9****ENSURE THAT CAREGIVERS IN THE FAMILY UNIT RECEIVE APPROPRIATE TRAINING TO CARE FOR THE FOSTER CHILDREN.**

PRS RESPONSE: CONCUR

Plans are being developed to have contracted agencies use competency-based training made available by TDPRS or approved by TDPRS. TDPRS uses a pre-service training curriculum from the Child Welfare Institute entitled "Model Approach to Partnerships in Parenting." TDPRS will make available Foster/Adopt PRIDE, a similar competency based curriculum from Child Welfare League of America. This curriculum is nationally known and addresses the following competencies:

- Protecting and nurturing children;
- Meeting the developmental needs of children;
- Supporting relationships between children and their families;
- Promoting permanency planning;
- Working as a member of a professional team.

We will also make available to the child placing agencies Foster/Adopt PRIDE inservice curriculum, which provides up to 66 hours of specialized training. The complete in-service curricula will be available to TDPRS in July, 1995.

In reviewing our responses, if you should have further concerns or questions, please feel free to contact us. Thank you for the opportunity you gave us to respond to these recommendations.

Sincerely,



Mart Hoffman, MSSW, MBA  
Interim Executive Director

MH:pkd